

## AN ORDINANCE

98915

CLOSING, VACATING AND ABANDONING (1) IMPROVED AND UNIMPROVED PORTIONS OF ALL OF THE PUBLIC RIGHTS OF WAY LOCATED WITHIN ROSEDALE PARK, WHICH PARK IS BOUNDED BY WEST MARTIN STREET, RUIZ STREET, N.W. 27<sup>TH</sup> STREET, AND PARTIALLY BOUNDED BY GENERAL MCMULLEN DRIVE, IN COUNCIL DISTRICT 5, THE PORTIONS NO LONGER BEING UTILIZED FOR ACCESS PURPOSES, NOT PREVIOUSLY CLOSED AT THE TIME THE PARK WAS ORIGINALLY ACQUIRED, AND HAVING BEEN INCORPORATED INTO GREEN SPACE WITHIN THE PARK, AS REQUESTED BY THE CITY OF SAN ANTONIO, AS "PETITIONER", AND (2) AN UNIMPROVED PORTION OF COLBY STREET PUBLIC RIGHT OF WAY IN THE ROSEDALE PARK ADDITION IMMEDIATELY ADJACENT TO THE PARK, AS REQUESTED BY RAUL C. AND LUPE MIRELES, PETITIONERS, WHOSE PROPERTIES ABUT COLBY STREET, FOR THE TOTAL CONSIDERATION OF \$13,140.00 PAID FOR THEIR PORTION.

\* \* \* \* \*

**WHEREAS,** The City of San Antonio, as "Petitioner", has requested that improved and unimproved portions of all of the public rights of way located within Rosedale Park (the "Park"), which portions are no longer utilized for access purposes, having been incorporated into green space within the Park, and Raul C. Mireles and Lupe Mireles, also as Petitioners and owners of properties abutting an unimproved portion of Colby Street public right of way adjacent to the Park, have requested that the City close, vacate, and abandon both improved and unimproved portions of Public Rights of Way located within the Park and the portion of Colby Street;; and

**WHEREAS,** this request was considered at the regular meeting of the Planning Commission held on February 25, 2004 and, following a public hearing, the Commission has recommended to the City Council approval of such request; and the City Council, following a public hearing on March 4, 2004, approved the request to close, vacate, and abandon the public rights of way; **NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The (1) improved and unimproved portions of public rights of way within Rosedale Park, bounded by West Martin Street, Ruiz Street, N.W. 27<sup>th</sup> Street, and partially bounded by General McMullen Drive, as requested by the City of San Antonio; and (2) an approximately 60.34-foot by 25-foot unimproved portion of Colby Street, all of which public rights of way are further shown on Attachment I affixed hereto and incorporated herein verbatim for all purposes, all in the City of San Antonio, are closed, vacated, and abandoned as public rights of way of the City, as requested by Petitioners, the City of San Antonio, and Raul C. Mireles and Lupe Mireles, owners of properties abutting Colby Street, adjacent to the Park

**SECTION 2.** The City Manager or her designee, is hereby authorized to execute any and all legal documents, deemed necessary by the City Attorney's Office, to facilitate the closing, vacation, and abandonment of the property described in **SECTION 1.**

**SECTION 3.** The City acknowledges receipt from Petitioners Raul C. Mireles and Lupe Mireles of \$13,140.00, as consideration for the unimproved portion of Colby Street public right of way,

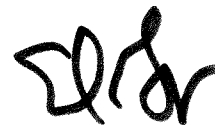
additional fees of \$144.00 for the posting of two signs notifying the public of the proposed closure, and \$70.00 for recording fees, as total consideration for such closing, vacation, and abandonment ("closing action"); however, such Colby Street closing action by the City is contingent on both Raul C. Mireles and Lupe Mireles agreeing to the conditions set forth in a Letter of Agreement, a copy of which, signed by them, is affixed hereto as Attachment II and incorporated herein verbatim for all purposes.

**SECTION 4.** Proceeds collected from Petitioner for the closing, vacating and abandonment of this property shall be deposited in Fund 29-008000 (Miscellaneous Special Revenue Reserve Fund) in index code 040337 entitled "Sale of Land".

**SECTION 5.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 6.** This Ordinance shall be effective on March 14<sup>th</sup>, 2004.

**PASSED AND APPROVED** this 4<sup>th</sup> day of March, 2004.



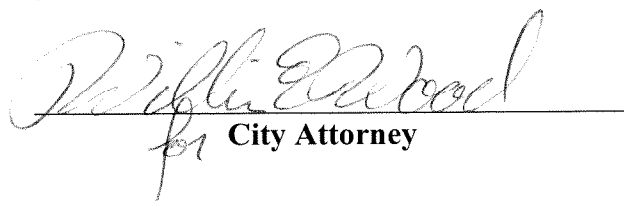
M A Y O R

EDWARD D. GARZA

ATTEST:

  
City Clerk

**APPROVED AS TO FORM:**

  
City Attorney